

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 66)

<b>To:</b>  MERTENS, H.V. EXTER POLAK & CHARLOUIS B.V. P.O. Box 3241 NL-2280 GE Rijswijk PAYS-BAS
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**Termijn:** 17-0-05

**Rec.:** 23 JUNI 2005

*Handwritten initials and marks*

Date of mailing (day/month/year)	17.06.2005
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<b>Opbergen:</b> Applicant's or agent's file reference P26741PC01/Me HSE	<b>REPLY DUE</b> <b>within 2 month(s)</b> from the above date of mailing
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International application No. PCT/NL2004/000422	International filing date (day/month/year) 14.06.2004	Priority date (day/month/year) 13.06.2003
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International Patent Classification (IPC) or both national classification and IPC G06F1/00
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Applicant ORBID LIMITED et al.
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1. ☒ The written opinion established by the International Searching Authority:  
☒ is      ☐ is not  
considered to be a written opinion of the International Preliminary Examining Authority
2. This first report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the opinion
<input type="checkbox"/> Box No. II	Priority
<input checked="" type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

**When?**      See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).  
**How?**      By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.  
**Also:**      For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.  
**If no reply is filed,** the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 13.10.2005

Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Kleiber, M  Telephone No. +49 89 2399-2774
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**WRITTEN OPINION OF THE INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY**

International application No.  
PCT/NL2004/000422

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this opinion is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed")*:

**Description, Pages**

1-29 as originally filed

**Claims, Numbers**

1-31 as originally filed

**Drawings, Sheets**

1/7-7/7 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
    - ☐ the description, pages
    - ☐ the claims, Nos.
    - ☐ the drawings, sheets/figs
    - ☐ the sequence listing *(specify)*:
    - ☐ any table(s) related to sequence listing *(specify)*:
  4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
    - ☐ the description, pages
    - ☐ the claims, Nos.
    - ☐ the drawings, sheets/figs
    - ☐ the sequence listing *(specify)*:
    - ☐ any table(s) related to sequence listing *(specify)*:

**WRITTEN OPINION OF THE INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY**

International application No.  
PCT/NL2004/000422

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 28,31

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search opinion has been established for the said claims Nos. 28,31

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See supplemental sheet for further details

**WRITTEN OPINION OF THE INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY**

International application No.  
PCT/NL2004/000422

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**Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	6,7,13,15-27
	No: Claims	1-5,8-12,14, 29-30
Inventive step (IS)	Yes: Claims	-
	No: Claims	1-27,29-30
Industrial applicability (IA)	Yes: Claims	1-27,29-30
	No: Claims	-

2. Citations and explanations:

**see separate sheet**

The following document is cited in this communication:

D1: US 2002/112162 A1 (COCOTIS THOMAS ANDREW ET AL) 15 August 2002  
(2002-08-15)

**1. INDEPENDENT CLAIM 1**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document):

Method for performing an electronic transaction between a first transaction party and a second transaction party using an electronic device operated the first transaction party the method comprising (paragraph 0095):

providing authentication data in a memory of said electronic device which authentication data are inaccessible to a user of said electronic device (paragraph 0043);

providing authentication software in said electronic device, the authentication data being accessible to said authentication software (paragraph 0043);

activating the authentication software to generate a digital signature from the authentication data (paragraph 0043);

providing the digital signature to the second transaction party (paragraph 0043).

**2. INDEPENDENT CLAIM 9**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 9 is not new in the sense of Article 33(2) PCT.

The features not included in claim 1 and therefore not treated under 2 are also disclosed in D1:

activating the authentication software to regenerate a digital signature from the authentication data; providing the digital signature to the authentication software by

**WRITTEN OPINION OF THE INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY  
(SEPARATE SHEET)**

International application No.

PCT/NL2004/000422

an application accessing digital data having a digital signature.  
embedded therein; and comparing the regenerated digital signature with the  
embedded digital signature (paragraph 0067).

**3. INDEPENDENT CLAIMS 29 and 30**

Apparatus claims 29 and 30 substantially corresponds to method claims 1 and 9 respectively. Therefore the same objection regarding novelty as above applies correspondingly to independent claims 29 and 30 (Article 33(1) and (2) PCT).

**4. DEPENDENT CLAIMS 2-8, 10-27**

Dependent claims 2-8, 10-27 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).